IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 1613/2007
(Khema Ram & Ors. Vs. State of Rajasthan & Anr.)

Date of Order : 02/04/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Kuldeep Mathur for the petitioners.
Mr. B.L.Tiwari, Deputy Government Advocate for respondents.

BY THE COURT:-

Counsel for the petitioner seeks to withdraw the writ petition filed by the petitioners No. 2, 3,4 and 5 with liberty to file individual writ petition. The writ petition filed by petitioners No. 2 to 5 is therefore, dismissed as withdrawn with the liberty to file fresh writ petition individually.

Issue notice for final disposal to the respondents. Mr. B.L.Tiwari, Dy. Government Advocate is directed to accepts notice on behalf of the respondents. He accepts the notice.

Learned counsel for the petitioner No.1 submits that the controversy involved in the instant case stands concluded by decision of this Court in Om Prakash Vs. State of Rajasthan and Anr., S.B.Civil Writ Petition No.1367/03 decided on 12.7.2006.

Learned counsel for the petitioner submits that the order of learned Single Judge in Om Prakash Vs. State of Rajasthan and Anr. has not been challenged before the Division Bench and has been implemented by the respondents.

Learned Deputy Government Advocate appearing for the respondents submits that the controversy stands concluded by the aforesaid decision.

In this view of the matter, the writ petition deserves to succeed.

Accordingly, the writ petition filed by petitioner No.1 is allowed in terms of the order passed by this Court in Om Prakash Vs. State of Rajasthan and Anr. (supra). The order dated 28.11.2005 is declared illegal to the extent it awards pay scale of Rs. 5000-8000 to petitioner No.1 Khema Ram as selection grade on completion of 27 years of service. The respondents are directed to allow the pay scale of Rs. 5500-9000 to the petitioner No.1 on completion of 27 years of satisfactory service. The petitioner No.1 shall be entitled for all consequential benefits as a consequence to grant of pay scale of Rs. 5500-9000 on completion of 27 years of service. No order as to costs.

(H.R.PANWAR),J.

rp